

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION**

STEVEN R. BROWN, )  
v. )  
Plaintiff, )  
v. )  
FEDERAL NATIONAL MORTGAGE )  
ASSOCIATION, as TRUSTEE; )  
SUNTRUST MORTGAGE, INC; )  
MORTGAGE ELECTRONIC )  
REGISTRATION SYSTEMS, INC., )  
And DOES 1-10 Inclusive, )  
Defendants. )  
Case No. 2:13-cv-02107-JTF-cgc

## **ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

Before the Court is the Defendants' Motion to Dismiss for failure to state a claim pursuant to Fed. R. Civ. P. 12(b)(6) or, in the alternative, for Summary Judgment, filed on April 5, 2013. (DE #13). Plaintiff filed responses to the Defendants' Motion to Dismiss on April 15, 2013. (DE#16). Previously on March 25, 2013, this matter was referred to the Magistrate Judge pursuant to 28 U.S.C. §§636- 639. (DE #7). On June 11, 2013, the Magistrate entered her report, recommending that Defendants' Motion to Dismiss be granted. (DE #18). On July 8, 2013, Plaintiff filed a Response to Defendant's Motion to Dismiss.<sup>1</sup> (DE #20). Treating Plaintiff's response as an untimely filed objection to the Magistrate's report, Defendants filed a

<sup>1</sup> Plaintiff's second response to the Defendants' Motion to Dismiss was essentially the same response previously filed to the Defendants' Motion to Dismiss.

response on July 17, 2013. (DE #21). On July 29, 2013, Plaintiff filed a Motion for Leave to Amend.<sup>2</sup> (DE #22).

After reviewing the entire record including the Magistrate Judge's Report, Defendants' Motion, Memorandum of Law, Statement of Undisputed Material Facts, the Plaintiff's Response to the Motion to Dismiss, as well as, all of Plaintiff's pleadings filed after the Magistrate's Report, the Court hereby ADOPTS the Magistrate's Report and Recommendation.

IT IS THEREFORE ORDERED that this case is DISMISSED.

IT IS SO ORDERED this 19th day of August, 2013.

BY THIS COURT:

s/John T. Fowlkes, Jr.  
JOHN T. FOWLKES, JR.  
UNITED STATES DISTRICT JUDGE

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<sup>2</sup> Plaintiff's Motion for Leave to Amend acknowledges that Plaintiff filed a response to the Magistrate's report that did not contain any objections to the report.